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SENSITIVE, SIPDIS

DEPARTMENT FOR NEA/ARP (BMASILKO), NEA/PPD (PAGNEW, DBENZE), S/CT,
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SUBJECT: MOOT COURT VERDICT . . . A HUNG JURY, A VICTORY FOR
EDUCATION

REF: KUWAIT 426

¶1. (SBU) SUMMARY: The terrorism trial simulation conducted at the American University of Kuwait (AUK), detailed in reftel, came to a conclusion on May 19 with closing arguments by the defense and prosecution and two and a half hours of jury deliberation, which ended with a (partially manufactured) hung jury. Media response to the project was positive and highlighted Embassy support. The "Moot Court" project is at the cutting edge in terms of educational partnerships that provide young people the tools to counter the extremist ideologies at the root of violence and terrorism. Additional funding is critical to ensure the spread of this curriculum to other universities in Kuwait and in the region. END SUMMARY.

GUILTY ...?

¶2. (U) The prosecution's closing argument focused on the boundaries of freedom of speech. The lead prosecuting attorney reminded the jury that incitement to violence, crime, and treason crosses the line between protected and un-protected speech. She reviewed evidence the accused had encouraged and inspired young men to go and commit acts of terrorism in Afghanistan.

¶3. (U) The charges facing the accused were:

- incitement to violence;
- soliciting treason;
- hindering the execution of U.S. law and levying war against the United States; and,
- instruction in the illegal use of explosives and firearms

On the first, second, and fourth charges, the jury voted guilty in the majority, but could not decide on an unanimous verdict.

¶4. (U) The jurors "roles" enabled them to highlight the various arguments made during the course of the trial. An informal poll conducted by the professor showed if jurors were allowed to decide solely on the evidence presented, a guilty verdict would have been quick and unavoidable.

NOT GUILTY ...?

¶5. (U) The defense attorney's closing argument was designed to plant the seed of reasonable doubt, describing the case against the accused as circumstantial evidence and hearsay. The defense attorney focused on the first amendment, civil liberties, and the right to a diversity of values and beliefs. On the third charge, the jury swung toward "not guilty", but again failed to agree on a unanimous verdict.

MEDIA RESPONSE

¶6. (U) AUK put out a press release on June 1 about the course and the final simulation (available at <http://www.auk.edu.kw/news/showNewsDetails.js> p?id=10355&ndate=1243840127620&newsType=N). Four newspapers -- Al-Nahar, Al-Anbaa, Awan, and Arab times -- picked up the story and ran articles on June 2 and June 3 in which the U.S. Embassy role was highlighted. The articles spoke about the students gaining insight on the "clash of civilizations" and "the conflicting values that shape the political dynamics between the Middle East and United States."

COMMENT

¶7. (SBU) This groundbreaking course of AUK is an example of counterterrorism programming designed to teach critical thinking, thereby giving young people the intellectual and rhetorical tools to counter extremist ideologies, while reinforcing the concepts of rule of law and judicial procedure in civil society. Students with this exposure are less susceptible to recruitment to terrorism and violence. The local media response proves an openness to discussion and debate of these issues in Kuwaiti society. The entirety of the course was videotaped and footage is being edited along with a written curriculum. Ambassador Deborah Jones, who was present at the final session, added her own endorsement of the class and praise for the seriousness and enthusiasm of the students in a short segment that will be added to the video record of the proceedings.

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Post thanks Washington for funding previously provided and is confident that with additional USG funding and encouragement the course can be rolled out to other universities in Kuwait and in the region. END COMMENT.

JONES